

REMARKS

Claims 1-44 are pending in the present application. Claims 8-19 and 28-35 are allowed, Claims 1-5, 7, 20, 24-26, and 36-44 stand rejected, and Claims 6, 21-23, and 27 are objected to. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-5, 7, 20, 24-26 and 36-44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cutler et al. (U.S. Patent No. 6,039,702). These claim rejections are respectfully traversed.

Cutler et al. discloses power control for motors that operate the massage system, wherein the pulse width modulation (PWM) to the motors is reduced in the presence of heaters and additional motors. (Col. 10, Lines 1-38). Heat level is also controlled by PWM in the same manner as for these motors, wherein a duty cycle has preset values: 100% for high heat, and 60% for low heat. (Col. 8, Lines 60-66). Applicants submit that these preset values are not a scaling function or a rescaling of power output as required in the outstanding claims.

First of all, the claimed invention limits power to a value less than that produced at line voltage through the use of a scaling function. As such, the claimed invention does not allow 100% power as disclosed in Cutler et al. Secondly, a preset value of 60% is not a scaling function. The claimed scaling function is defined as the ratio between the power desired and the power in the line (See, e.g., page 13, lines 10-15). Cutler et al. makes no mention of any such scaling function and instead simply “sets” and “reduces” the duty cycle. More specifically, “For high heat, the duty cycle is set to

100%. For low heat, the duty cycle is set to 100% for a warm up interval and then is reduced to 60%." (Col. 8, Lines 64-66; Emphasis Added). Simply put, the 60% is a preset value and is not determined through the use of a scaling function. The heat control merely has three "states," off, high, and low. (See, e.g., Col. 2, Lines 22-23). As such, Cutler et al. cannot anticipate the outstanding claims and Applicants respectfully request that these claim rejections be withdrawn.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7524.

Respectfully submitted,

Dated: 12 JUN 06

By: Kelly L. Burris
Kelly Burris, Reg. No. 46,361

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, Missouri 63105
(314) 726-7500 (Main)
(314) 726-7501 (Fax)

[KKB/lDs]